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WELLSFARGOFINANCIAL
ACCEPTANCEMISSOURI,INC.

UNITEDSTATESDISTRICTCOURT
NORTHERNDISTRICTOFCALIFORNIA

RICHARDHOWARD,

Plaintiff,

vs.

WELLSFARGOFINANCIAL
ACCEPTANCE,WELLSFARGOAUTO
FINANCE,INC.,WELLSFARGO
FINANCIALCAR,LLC,andDOES1-50,

Defendants.

CaseNo.:CO7-05881EDL

**DEFENDANTWELLSFARGO
FINANCIALACCEPTANCE
MISSOURI,INC.'SSTATEMENTOF
DISCOVERYINDISPUTEAND
REASONSNOTTOCOMPEL
FURTHERRESPONSE**

ComplaintDate:November20,2007

Defendant Wells Fargo Financial Missouri, Inc. (“Wells Fargo”) submit this Statement of Discovery in Dispute and Reasons Not to Compel Further Response in opposition to plaintiff’s motion to compel further responses.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Any and all documents or other recording evidence in _____, constituting or referring to your policies and procedures in the care, supervision, direction, custody and control of any documents sought by this request for documents.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Wells Fargo agrees to produce all responsive documents relating to its record retention policies.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Wells Fargo agreed to produce documents responsive to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents “as they are kept in the usual course of business.”

REQUEST FOR PRODUCTION NO. 2:

Copies of each and every document which in anyway _____ reference the corresponding account numbers, or which otherwise reference Plaintiff and/or any of his personal identifiers other than his name, within four years of the filing of the complaint in this matter.

a) “Wells Fargo” Account Nos. 50237044183919001 and _____ /or 5023704418391; and 53825 and/or 5382580.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Wells Fargo agrees to produce all responsive documents relating to the accounts mentioned above.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Wells Fargo agreed to produce documents responsive to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents “as they are kept in the usual course of business.”

REQUEST FOR PRODUCTION NO. 4:

Copies of any statements you have taken or received from any third person in any way connected with this action, including, but not limited to, Trans Union, its attorneys and other agents.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

This request is vague and ambiguous, and plaintiff has failed to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. (34)(b). It is unclear whether plaintiff is merely seeking the production of formal witness statements (there are none) or whether he intends the request to reach any communication with Trans Union that might be considered "connected to this action;" for example, agreements or communications between those parties about their business relationship in general, but which may be deemed to relate in some way to this action.

Wells Fargo did not waive its objections, but timely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection. Plaintiff's own refusal to discuss and clarify individual requests, and to meet and confer reasonably and in good faith, precluded Wells Fargo from explaining its objection and prevented the resolution of this issue without court intervention. Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

REQUEST FOR PRODUCTION NO. 5:

All documents showing an auditor review by you of practices to determine compliance with 15 U.S.C. § 1681s-2(a).

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed.R. Civ.P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

Neither "audit" nor "review" is defined, and plaintiff refused to provide clarification during the truncated "meet and confer" process. This is. The Court has already held that plaintiff has no private cause of action for violation of 15 U.S.C. § 1681s-2(a). *Howard v. Blue Ridge Bank, et al.*, 371 F.Supp.2d 1139, 1147 (N.D.Ca.2005). The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers a five year period. "Audits" or "reviews" of Wells Fargo's practices with respect to handling of other credit reporting disputes are not relevant to the question of whether Wells Fargo handled this dispute appropriately, or whether its actions concerning plaintiff were "willful." Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D.Ill.1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed.R.Civ.P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections by not explaining them in its responses, and it should not be required to provide a privilege log until the Court rules on the permissible scope of discovery. *U.S. v. Philip Morris Inc.*, 347 F.3d 951, 954 (D.C.Cir.2003).

REQUEST FOR PRODUCTION NO. 6:

All documents showing an auditor review by you of practices to determine compliance with 15 USC section 1681s-2(b).

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed.R. Civ.P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

Neither "audit" nor "review" is defined, and plaintiff refused to provide clarification during the truncated "meet and confer" process. The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers a five year period. "Audits" or "reviews" of Wells Fargo's practices with respect to handling of other credit reporting disputes are not relevant to the question of whether Wells Fargo handled this dispute appropriately, or whether its actions concerning plaintiff were "willful." Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed.R. Civ.P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections by not explaining them in its responses, and it should not be required to provide a privilege log until the Court rules on the permissible scope of discovery. *U.S. v. Philip Morris Inc.*, 347 F.3d 951, 954 (D.C. Cir. 2003).

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents sent to Plaintiff by you in the last two years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Wells Fargo agrees to produce all responsive documents sent to Plaintiff by Wells Fargo in the last two years.

REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 9:

Please produce all documents sent to you by Plaintiff in the last two years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Wells Fargo agrees to produce all responsive documents sent to Wells Fargo by Plaintiff in the last two years.

REASON WHY FURTHER RESPONSES SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 10:

Please produce copies of all of your quarterly profit and loss statements for the past three (3) years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo

1 further object to this request as overbroad, vague and ambiguous. As drafted this request fails to
 2 describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b). Subject
 3 to and without waiving these objections, Wells Fargo will produce documents responsive to this
 4 request.

5 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

6 The request is overbroad, and not reasonably calculated to lead to the discovery of
 7 admissible evidence.

8 The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers
 9 a three-year period. Wells Fargo's quarterly profit and loss statements are not relevant to the
 10 question of whether Wells Fargo handled this dispute appropriately, or whether its actions
 11 concerning plaintiff were "willful." Plaintiff's requests for admissions that seek Wells Fargo's
 12 net worth should adequately assure plaintiff of Wells Fargo's "amenability and ability to pay
 13 damages." Plaintiff has not satisfied his obligation to affirmatively show that the requested
 14 documents are relevant, *Vardon Golf Co., Inc. v. BBMGG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill.
 15 1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R.
 16 Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention
 17 that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

18 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 19 does not require a responding party to provide an articulated description of the reasons why it is
 20 asserting a particular objection in order to preserve that objection.

21 REQUEST FOR PRODUCTION NO. 11:

22 Please produce copies of all of your current balance sheets and financial statements.

23 RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

24 Wells Fargo objects that compliance with this request would be oppressive and
 25 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 26 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 27 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 28 describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b). Subject

1 to and without waiving these objections, Wells Fargo will produce documents responsive to this
2 request.

3 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

4 The request is overbroad, and not reasonably calculated to lead to the discovery of
5 admissible evidence.

6 Wells Fargo's current balance sheets and financial statements are not relevant to the
7 question of whether Wells Fargo handled this dispute appropriately, or whether its actions
8 concerning plaintiff were "willful." Plaintiff's requests for admission that seek Wells Fargo's
9 net worth should adequately assure plaintiff of Wells Fargo's "amenability and ability to pay
10 damages." Plaintiff has not satisfied his obligation to affirmatively show that the requested
11 documents are relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill.
12 1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R.
13 Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention
14 that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

15 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
16 does not require a responding party to provide an articulated description of the reasons why it is
17 asserting a particular objection in order to preserve that objection.

18 REQUEST FOR PRODUCTION NO. 12:

19 Please produce all documents evidencing or including data concerning the names,
20 addresses, telephone numbers, current employers and current whereabouts of each and everyone
21 of your employees who performed any credit report in connection with work regarding Plaintiff.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

23 Wells Fargo objects to this request on the grounds that it seeks documents protected by
24 Wells Fargo's employees' right to privacy under the California and United States Constitutions.
25 Wells Fargo objects that compliance with this request would be oppressive and burdensome.
26 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
27 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
28

objectstothisrequestasoverbroad,vagueandambiguous.Asdraftedthisrequestfailsto
describethedocumentsrequestedwith“reasonableparticularity.”Fed.R.Civ.P.34(b).

REASONWHYFURTHERRESPONSESSHOULDNOTBECOMPELLED:

Therequestisoverbroad,andnotreasonablycalculatedtoleadtothediscoveryof
admissibleevidence.

Initsinitialdisclosuresandinresponsetoaninterrogatory,WellsFargohasalready
providedalistofnamesandcontactinformationofwitnesseslikelytohaveknowledgeofthe
factsrelatingtothislawsuit.Thisdocumentrequestoverreaches tocoverdocuments thatare
protectedbyWellsFargo’semployees’rightstoprivacy,includingbutnotlimitedtotax
documents,incomestatements,andperformanceevaluations.Plaintiffhasnotsatisfiedhis
obligationtoaffirmativelyshowthattherequesteddocumentsarerelevant, *VardonGolfCo.,Inc.*
v.BBMGGolf,Ltd., 156F.R.D.641,651(N.D.Ill.1994),andthattherequestisnotunreasonably
cumulativeorduplicative.Civ.L.R.37-2;Fed.R.Civ.P.26(b)(2)(C).Furthermore,plaintiffhas
failedto *detailthebasis* forplaintiff’scontentionthatheisentitledtotherequesteddiscovery.
Civ.L.R.37-2;emphasisadded.

WellsFargodidnotwaiveitsobjections,buttimelyassertedthem. *BurlingtonNorthern*
doesnotrequirearespondingpartytoprovideanarrativedescriptionofthereasonswhyitis
assertingaparticularobjectioninordertopreserve thatobjection.

REQUESTFORPRODUCTIONNO.13:

Pleaseproducealldocumentsconstitutingyourentirecreditfile(s),collectionfile(s)and
fraud)investigationfile(s),whichinanywayreferencPlaintiff,Plaintiffspersonalidentifiers
oranyof)theaccountnumbersassociatedwithPlaintiffsidentifiers.

RESPONSETOREQUESTFORPRODUCTIONNO.13:

WellsFargoagreestoproduceallresponsivedocuments tothisrequest.

REASONTOCOMPELFURTHERRESPONSE/FINDOBJECTIONSAIDED:

Despitepromisingtodoso,itisnotclearifWellsFargohasproducedsuchdocuments.It
hadpreviouslyproduceddocumentspursuanttoitsinitialdisclosure,butsucharenotsortednor

identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 14:

Please produce all documents which evidence, constitute and/or address your means, methods or abilities to correctly identify whether a trade line or former address has been previously reported as incorrect.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Wells Fargo agrees to produce all responsive documents to this request.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED:

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 15:

Please produce all policy manuals, procedure manuals and other documents, which address your policies, practices or procedures in correcting, updating, modifying and/or deleting or suppressing credit data or historical address data which is disputed as inaccurate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected

commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 16:

Please produce all organizational charts for Wells Fargo Financial Missouri, Inc. from two years before the complaint was filed in this case to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 17:

Please produce all organizational charts for Wells Fargo Financial Acceptance, Inc. from two years before the complaint was filed in this case to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these

objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 18:

Please produce copies of all papers, records and documents referred, referenced or reflected upon in response to Plaintiff's First Set of Interrogatories Directed to Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b). Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 20:

Please produce any and all documents or computer screens which set forth or demonstrate all of the account information that you are currently reporting about the Plaintiff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Wells Fargo agrees to produce all responsive documents to this request.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 21:

Any archived records of action taken by you in relation to the plaintiff for any of the plaintiff's personal identifiers.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Wells Fargo agrees to produce all responsive documents to this request.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 26:

Any budgets or projections prepared within the preceding five years, allocating resources or expenditure to the conducting of reinvestigation under 15 U.S.C. § 1681-s2.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers a five year period. "Budgets" or "projections" all allocating resources to the conducting of reinvestigation on a company wide basis are not relevant to the question of whether Wells Fargo

1 handled this dispute appropriately, or whether its actions concerning plaintiff were “willful.”
 2 Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are
 3 relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that
 4 the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R. Civ. P.
 5 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff’s contention that the
 6 is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

7 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 8 does not require a responding party to provide an arrative description of the reasons why it is
 9 asserting a particular objection in order to preserve that objection.

10 REQUEST FOR PRODUCTION NO. 28:

11 Any manuals, bulletins or notices provided to YOU describing YOUR contractual or
 12 statutory duties relating to the investigation of inaccurate or incomplete credit information.

13 RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

14 Wells Fargo objects that compliance with this request would be oppressive and
 15 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
 16 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
 17 further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to
 18 describe the documents requested with “reasonable particularity.” Fed. R. Civ. P. 34(b).

19 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED:

20 Defendant has waived objections by making mere boilerplate objections and by not timely
 21 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9th Cir. 2005) 408 F.3d
 22 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about
 23 this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized:
 24 it seeks documents establishing what defendant knew its duties to be.

25 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

26 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
 27 discovery of admissible evidence.

Wells Fargo statutory duties relating to this lawsuit are clearly defined in 15 U.S.C. § 1681s-2(b). Wells Fargo's knowledge of such duties is irrelevant to plaintiff's ability to prove Wells Fargo liability under the statute. Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b) (2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 29:

Transcripts of any deposition given by any individual identified by you in your disclosures given pursuant to rule 26(a) regarding reinvestigation of consumer disputes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent this request seeks transcripts of deposition taken in this case, there are no responsive documents. Employees' deposition transcripts as they relate to investigations other than those which involved the plaintiff are not relevant to the question of whether Wells Fargo handled this dispute appropriately, or whether its actions concerning plaintiff were "willful." Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are

relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that the isentitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 30:

Transcripts of any deposition given by any individual identified by you in your disclosures given pursuant to rule 26(a) regarding maintaining consumer reporting databases free from error.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent this request seeks transcripts of deposition taken in this case, there are no responsive documents. Employees' deposition transcripts as they relate to investigations other than those which involved the plaintiff are not relevant to the question of whether Wells Fargo handled this dispute appropriately, or whether its actions concerning plaintiff were "willful." Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that the isentitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an abbreviated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 31:

Please produce any and all policy manuals, procedural manuals, or other recordings or documents of any kind, which address any or all of your policies, practices or procedures in insuring the maximum possible accuracy of data posted, maintained or disseminated by you.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with “reasonable particularity.” Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent this request seeks information pertaining to the accuracy of reporting information to credit reporting agencies, these documents are irrelevant to this action. This Court has already held that plaintiff has no private cause of action for violation of 15 U.S.C. § 1681s-2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139, 1147 (N.D. Cal. 2005). Wells Fargo has already produced relevant policy and procedure manuals relating to its investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that the request is not unreasonably cumulative or duplicative when compared to the other numerous requests seeking similar policy and procedure manuals. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff’s contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 32:

Please produce any and all policy manuals, procedural manuals, or other documents, which address your policies, practices or procedures in ensuring the preresearch investigation accuracy of data maintained or disseminated by you.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with “reasonable particularity.” Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent this request seeks information pertaining to the accuracy of reporting information to credit reporting agencies, these documents are irrelevant to this action. This Court has already held that plaintiff has no private cause of action for violation of 15 U.S.C. § 1681s-2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139, 1147 (N.D. Cal. 2005). Wells Fargo has already produced relevant policy and procedure manuals relating to its investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that the request is not unreasonably cumulative or duplicative when compared to the other numerous requests seeking similar policy and procedure manuals. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff’s contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 33:

Please produce any and all policy manuals, procedural manuals, or other documents, which address your policies, practices or procedures in ensuring the post-reinvestigation accuracy of data maintained or disseminated by you.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with “reasonable particularity.” Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent this request seeks information pertaining to the accuracy of reporting information to credit reporting agencies, these documents are irrelevant to this action. This Court has already held that plaintiff has no private cause of action for violation of 15 U.S.C. § 1681s-2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139, 1147 (N.D. Cal. 2005). Wells Fargo has already produced relevant policy and procedure manuals relating to its investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that the request is not unreasonably cumulative or duplicative when compared to the other numerous requests seeking similar policy and procedure manuals. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to detail the basis for plaintiff’s contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide a narrative description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 35:

Please produce any and all policy manuals, procedure manuals, or other documents, which are training manuals for your employees, in the following areas: consumer credit disputes, reinvestigation, delete mechanisms, suppression functions and deletion functions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 39:

Please produce your policy manuals, procedure manuals, or other documents, which address instructions or directions, provided by any nationwide credit reporting agency to YOU, with regard to the means, methods and guidelines for communicating corrections of credit data by you.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Wells Fargo objects to this request on the grounds that it seeks documents protected by third parties' right to confidentiality. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and

1 ambiguous. As drafted this request fails to descri bethedocumentsrequestedwith“reasonable
2 particularity.” Fed.R.Civ.P.34(b).

3 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

4 Therequestisambiguous,overbroad,andnotreason ablycalculatedtoleadtothe
5 discoveryofadmissibleevidence.

6 Totheextentthisrequestseeksinformationpertai ningtotheaccuracyofreporting
7 informationtocreditreportingagencies,thesedoc umentsareirrelevanttothisaction.ThisCourt
8 hasalreadyheldthatplaintiffhasnoprivaterecas eofactionforviolationof15U.S.C.§1681s-
9 2(a),whichcoversaccuratereporting. *Howardv.BlueRidgeBank,etal.* ,371F.Supp.2d1139,
10 1147(N.D.Ca.2005). WellsFargohasalreadyprod ucedrelevantpolicyandproceduremanuals
11 relatingtoitsinvestigationsunder15U.S.C.§168 1s-2(b).Plaintiffhasnotsatisfiedhis
12 obligationtoshowthattherequestisnotunreason ablycumulativeorduplicativewhencompared
13 totheothernumerousrequestsseekingsimilarpoli cyandproceduremanuals.Civ.L.R.37-2;
14 Fed.R.Civ.P.26(b)(2)(C).Furthermore,plaintif fhasfailedto *detailthebasis* forplaintiff’s
15 contentionthatheisentitledtotherequestedis covery.Civ.L.R.37-2;emphasisadded.

16 WellsFargodidnotwaiveitsobjections,butti melyassertedthem. *BurlingtonNorthern*
17 doesnotrequirearespondingpartytoprovideana rrativedescriptionofthereasonswhyitis
18 assertingaparticularobjectioninordertopreser vethatobjection.

19 REQUEST FOR PRODUCTION NO. 51:

20 Pleaseproduceanyandalldocumentswhichcontain datalistingsorotherwiseidentifying
21 eachofyouoperatorsorotheremployees,theircorrespondingofficedescriptionsandnumbers,
22 andtheircorrespondingbadgeandidentificationnu mbers,whohasknowledgeaboutthematters
23 indisputeinthiscase.

24 RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

25 WellsFargoobjectsthatcompliancewiththisreque stwouldbeoppressiveand
26 burdensome.WellsFargoobjectstothisrequestto theextentitseeksinformationthatisneither
27 relevantnorreasonablycalculatedtoleadtothed iscoveryofadmissibleevidence.WellsFargo
28

1 further object to this request as overbroad, vague and ambiguous. As drafted this request fails to
 2 describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

3 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

4 The request is overbroad, and not reasonably calculated to lead to the discovery of
 5 admissible evidence.

6 In its initial disclosures and in response to an interrogatory, Wells Fargo has already
 7 provided a list of names and contact information of witnesses likely to have knowledge of the
 8 facts relating to this lawsuit. To force Wells Fargo to search for documents providing such
 9 information would be unduly burdensome and oppressive. Plaintiff has not satisfied his
 10 obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc.*
 11 *v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not unreasonably
 12 cumulative or duplicative. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has
 13 failed to *detail the basis* for plaintiff's contention that he is entitled to the requested discovery.
 14 Civ. L.R. 37-2; emphasis added.

15 Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern*
 16 does not require a responding party to provide an articulated description of the reasons why it is
 17 asserting a particular objection in order to preserve that objection.

18 REQUEST FOR PRODUCTION NO. 52:

19 Produce any documents bearing plaintiff's name or social security number relating to the
 20 debt in question in this case, the account relating to that debt, any account reviews, any credit
 21 applications, and the reporting of that debt to any credit reporting agency.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

23 Wells Fargo agrees to produce all responsive documents sought in this request.

24 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

25 Defendant has produced responsive documents to this request. As permitted under Fed.
 26 R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual
 27 course of business."
 28

REQUEST FOR PRODUCTION NO. 53:

Produce any contract or obligation which relates to any contract or obligation attributed to plaintiff's name or social security number.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Wells Fargo agrees to produce all responsive documents sought in this request.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 54:

Produce any contract, obligation, application, approvals, denials, credit evaluations, credit reports, reinvestigation notes, correspondence, notices, credit scores, account history, billing statements, collection notes, dispute logs, memoranda, data, credit reportings, CDV's, ACDV's, responses to CDV's, requests for reinvestigation of credit data (including any documents provided along with the request), responses to ACDV's, UDF's, consumer disputes, responses to requests for reinvestigation, Metro data, Metro II data, or other documents which relate to any account attributed to plaintiff's name or social security number in the period before four years before this complaint was filed and the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54:

Wells Fargo agrees to produce all responsive documents sought in this request.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 55:

Produce any credit information supplied to any credit reporting agency relating to plaintiff's credit report, plaintiff's social security number, or any account attributable to plaintiff for plaintiff's social security number.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

Wells Fargo agrees to produce all responsive documents sought in this request.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 56:

Produce all manuals, guides, bulletins, memoranda, or other documents, which address your policies, practices or procedures in training or instructing employees in the handling of disputes, investigations, or reinvestigations of credit data furnished to credit reporting agencies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 57:

Produce all manuals, guides, bulletins, memoranda, or other documents, which address your policies, practices or procedures in training or instructing employees in verification of credit data in response to any credit dispute initiated through directly disputing with you.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these

objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 58:

Produce any other documents prepared, sent, or received by YOU in the course of conducting any reinvestigation regarding plaintiff's consumer report in period between four years before the complaint was filed and the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58:

Wells Fargo agrees to produce all responsive documents sought in this request.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Defendant has produced responsive documents to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 59:

Produce any agreement and amendments under which YOU use, report or furnish credit information to any credit reporting agency to which you provided credit data or account information relating to plaintiff operative in the period between four years before the complaint was filed and the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 59:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

The events at issue in plaintiff's second lawsuit took place in 2007, but this request covers a four-year period. Trans Union is the only credit reporting agency that allegedly reported the account; plaintiff fails to explain how agreements with the other credit reporting agencies are relevant. Even if the request was limited to agreements with Trans Union, plaintiff has not satisfied his obligation to affirmatively show how such agreements are relevant, *Vardon Golf Co., Inc. v. BBMGGolf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994). Furthermore, plaintiff has failed to detail the basis for plaintiff's contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

To the extent this request seeks information pertaining to the accuracy of reporting information to credit reporting agencies, these documents are irrelevant to this action. This Court has already held that plaintiff has no private cause of action for violation of 15 U.S.C. § 1681s-2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139, 1147 (N.D. Cal. 2005).

Wells Fargo did not waive its objections, but timely asserted them. *Burlington Northern* does not require a responding party to provide an affirmative description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 60:

Produce any training materials including manuals, memos, videos, instructions, agreements, or any other document provided to you by any credit reporting agency relating to reinvestigation of credit data.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo

further object to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

Wells Fargo has already produced relevant policy and procedure manuals relating to its investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that the request is not unreasonably cumulative or duplicative when compared to the other numerous requests seeking similar policy and procedure manuals. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that the isentitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 61:

Produce all documents which address the accuracy, truthfulness, or reliability of your reporting to the credit reporting agencies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 61:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

It is unclear what documents plaintiff is requesting. Wells Fargo cannot be sure whether plaintiff is seeking procedure manuals relating to its credit reporting practices (which have been

produced); individual consumer disputes or complaints; letters; internal reviews of Wells Fargo's practices (sought in another category, and overbroad/irrelevant in any event); Wells Fargo's responses to other credit reporting complaints; or, something else. This request makes no attempt to set forth documents by "individual item or by category with reasonable particularity." *In re IBM Peripheral EDP Devices Antitrust Litigation*, 77 F.R.D. at 42.

Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an affirmative description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 62:

Produce any report, memoranda, bulletin or other document which describes the potential adverse effects or consequences on consumers of inaccurate, untruthful, or unreliable credit reporting by YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent this request seeks information pertaining to the accuracy of reporting information to credit reporting agencies, these materials are irrelevant to this action. This Court

has already held that plaintiff has no private cause of action for violation of 15 U.S.C. § 1681s-2(a), which covers accurate reporting. *Howard v. Blue Ridge Bank, et al.*, 371 F.Supp.2d 1139, 1147 (N.D.Ca.2005). Documents which describe the potential adverse effects or consequences to all consumers in general are not relevant to the question of whether Wells Fargo handled this dispute appropriately, or whether its actions concerning plaintiff were “willful.” Plaintiff has not satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D.Ill.1994), and that the request is not unreasonably cumulative or duplicative. Civ.L.R. 37-2; Fed.R.Civ.P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff’s contention that he is entitled to the requested discovery. Civ.L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an affirmative description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 65:

Produce all policy manuals, procedure manuals, and documents, which address your policies, practices or procedures regarding correcting, updating, modifying, deleting credit data which is disputed as inaccurate and/or preventing reinsertion of previously corrected, updated, modified, and/or deleted credit data.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Wells Fargo agreed to produce documents responsive to this request. As permitted under Fed.R.Civ.P. 34(b)(2)(E)(i), Wells Fargo has produced documents “as they are kept in the usual course of business.”

REQUEST FOR PRODUCTION NO. 66:

Produce all policy manuals, procedure manuals, or other documents, which address your policies, practices or procedures for collection, maintenance, retention, dissemination or disposal of account data, during each of the preceding five years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Wells Fargo agreed to produce documents responsive to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 67:

Produce all documents concerning the names, addresses, telephone numbers, current employers and current whereabouts of each and every one of your employees who were involved in placing, maintaining and/or reinserting the account in dispute on plaintiff's credit file or report.

RESPONSE TO REQUEST FOR PRODUCTION NO. 67:

Wells Fargo objects to this request on the grounds that it seeks documents protected by third parties' right to privacy under the California and United States Constitutions. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Therequestisoverbroad,andnotreasonablycalculatedtoleadtothediscoveryof admissibleevidence.

Initsinitialdisclosuresandinresponsetoaninterrogatory,WellsFargohasalready providedalistofnamesandcontactinformationof witnesseslikelytohaveknowledgeofthe factsrelatingtothislawsuit.Thisdocumentrequestoverreaches tocoverdocuments thatare protectedbyWellsFargo'semployees'rightstoprivacy,includingbutnotlimitedtotax documents,incomestatements,andperformanceevaluations.Plaintiffhasnotsatisfiedhis obligationtoaffirmativelyshowthattherequested documentsarerelevant, *VardonGolfCo.,Inc. v.BBMGGolf,Ltd.*, 156F.R.D.641,651(N.D.Ill.1994),andthatthe requestisnotunreasonably cumulativeorduplicative.Civ.L.R.37-2;Fed.R.Civ.P.26(b)(2)(C).Furthermore,plaintiffhas failedto detailthebasis forplaintiff'scontentionthatheisentitledto hererequesteddiscovery. Civ.L.R.37-2;emphasisadded.

WellsFargodidnotwaiveitsobjections,buttimelyassertedthem. *BurlingtonNorthern* doesnotrequirearespondingpartytoprovideanarrativedescriptionofthereasonswhyitis assertingaparticularobjectioninordertopreserve thatobjection.

REQUEST FOR PRODUCTION NO. 68:

Produceallperformanceevaluationsforeachandeveryoneofyouremployeeswhotook anyactionwithregardtotheresolutionofanyof plaintiff'screditdispute.

RESPONSE TO REQUEST FOR PRODUCTION NO. 68:

WellsFargoobjectstothisrequestonthegroundsthatitseeksddocumentsprotectedby thirdparties'rightstoprivacyundertheCaliforniaandUnitedStatesConstitutions.WellsFargo objectsthatcompliancewiththisrequestwouldbe oppressiveandburdensome.WellsFargo objectstothisrequesttotheextentitseeksinformationthatisneitherrelevantnorreasonably calculatedtoleadtothediscoveryofadmissible evidence.WellsFargofurtherobjectstothis requestasoverbroad,vagueandambiguous.Asdraftedthisrequestfailstodescribethe documentsrequestedwith"reasonableparticularity."Fed.R.Civ.P.34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

1 Therequestisambiguous,overbroad,andnotreasonablycalculatedtoleadtothe
2 discoveryofadmissibleevidence.

3 Initsinitialdisclosuresandinresponsetoaninterrogatory,WellsFargohasalready
4 providedalistofnamesandcontactinformationofwitnesseslikelytohaveknowledgeofthe
5 factsrelatingtothislawsuit.Everyperformanceevaluationfortheseemployeesduringallthe
6 yearssuchemployeeshaveworkedforWellsFargocouldnotberelevanttothequestionof
7 whetherWellsFargohandledthisdisputeappropriately,orwhetheritsactionsconcerning
8 plaintiffwere“willful.”Thisdocumentrequestoverreaches to cover documents that are
9 protectedbyWellsFargo’semployees’rightstoprivacy.Plaintiffhasnotsatisfiedhisobligation
10 toaffirmativelyshowthattherequesteddocumentsarerelevant, *VardonGolfCo.,Inc.v.BBMG*
11 *Golf,Ltd.*, 156F.R.D.641,651(N.D.Ill.1994),andthattherequestisnotunreasonably
12 cumulativeorduplicative.Civ.L.R.37-2;Fed.R.Civ.P.26(b)(2)(C).Furthermore,plaintiffhas
13 failedto *detailthebasis* forplaintiff’scontentionthatheisentitledtotherequesteddiscovery.
14 Civ.L.R.37-2;emphasisadded.

15 WellsFargodidnotwaiveitsobjectionsbynotexplainingtheminitresponses,andit
16 shouldnotberequiredtoprovideaprivilegeloguntiltheCourtrulesonthepermissiblescopeof
17 discovery. *U.S.v.PhilipMorrisInc.*, 347F.3d951,954(D.C.Cir.2003).

18 REQUESTFORPRODUCTIONNO.69:

19 Produceallpolicies,procedures,andpracticesregardingtherenumberingofyour
20 accountsand/ornotificationtothecreditbureaus ofsuchrenumbering.

21 RESPONSETOREQUESTFORPRODUCTIONNO.69:

22 Nosuchdocumentsexist.

23 REASONWHYFURTHERRESPONSESSHOULDNOTBECOMPELLED:

24 WellsFargoalreadyrespondedthatnoresponsive documents exist. Wells Fargo cannot
25 respondfurthertothisrequest.

26 REQUESTFORPRODUCTIONNO.70:

27 Produceallpolicymanuals,proceduremanuals,ordocuments,whichaddressyour
28 policies,practicesorproceduresregardingyourconsiderationsandsafeguardsemployedwhena

consumer report on a credit applicant to your company contains a statement alerting you of possible fraud or misuse of the consumer's personal identifiers.

RESPONSE TO REQUEST FOR PRODUCTION NO. 70:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

Wells Fargo has already produced relevant policy and procedure manuals relating to its investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that the request is not unreasonably cumulative or duplicative when compared to the other numerous requests seeking similar policy and procedure manuals. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that the is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 71:

Produce all policy manuals, procedure manuals, or other documents, which address your policies, practices or procedures in the investigation or reinvestigation of credit data which is disputed as inaccurate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 71:

Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these

objections, Wells Fargo will produce all responsive documents in its possession, custody, and control that are not objectionable.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

The request is ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

Wells Fargo has already produced relevant policy and procedure manuals relating to its investigations under 15 U.S.C. § 1681s-2(b). Plaintiff has not satisfied his obligation to show that the request is not unreasonably cumulative or duplicative when compared to the other numerous requests seeking similar policy and procedure manuals. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that the isentitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

Wells Fargo did not waive its objections, but it merely asserted them. *Burlington Northern* does not require a responding party to provide an articulated description of the reasons why it is asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 72:

Produce all documents evidencing, constituting or including data concerning your first notification of any allegation that any account bearing either or both plaintiffs' personal identifiers and/or any of the account numbers had been created by application fraud or been used by a person not authorized to use or possess such an account.

RESPONSE TO REQUEST FOR PRODUCTION NO. 72:

Wells Fargo agrees to produce all responsive documents sought in this request.

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

Wells Fargo agreed to produce documents responsive to this request. As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

1 REQUEST FOR PRODUCTION NO. 75:

2 Produce all documents or correspondence in your, or your attorney's, possession that
3 refer to or relate to any fact(s) which may be relevant in this lawsuit excluding letters between
4 you and your attorney.

5 RESPONSE TO REQUEST FOR PRODUCTION NO. 75:

6 Wells Fargo objects that compliance with this request would be oppressive and
7 burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither
8 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
9 objects to this request to the extent it expressly or impliedly seeks information protected from
10 discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical
11 analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request
12 as overbroad, vague and ambiguous. As drafted this request fails to describe the documents
13 requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

14 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

15 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
16 discovery of admissible evidence.

17 Wells Fargo cannot reasonably be expected to produce "all documents" relating to facts
18 which "may be relevant." The only limiting aspect of this request is that plaintiff is not seeking
19 letters between counsel for Wells Fargo and Wells Fargo. Other than that, Wells Fargo cannot
20 even begin to ascertain what kind of documents plaintiff is seeking. Plaintiff has not satisfied his
21 obligation to show that the request is not unreasonably cumulative or duplicative when compared
22 to the other numerous requests seeking similar policy and procedure manuals. Civ. L.R. 37-2;
23 Fed. R. Civ. P. 26(b)(2)(C). Furthermore, plaintiff has failed to *detail the basis* for plaintiff's
24 contention that he is entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

25 Wells Fargo did not waive its objections, but timely asserted them. *Burlington Northern*
26 does not require a responding party to provide an articulated description of the reasons why it is
27 asserting a particular objection in order to preserve that objection.

REQUEST FOR PRODUCTION NO. 77:

Produce any document containing any description, definition, concordance, or index of any shorthand, abbreviations, codes, shorthand, or notations contained in any documents which would be responsive to any of the prior requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

As permitted under Fed. R. Civ. P. 34(b)(2)(E)(i), Wells Fargo has produced documents "as they are kept in the usual course of business."

REQUEST FOR PRODUCTION NO. 78:

Produce any deposition transcripts in which YOU or any of YOUR Agents offered testimony regarding YOUR policies, procedures or practices relating to credit reporting or reinvestigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78:

Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents requested with "reasonable particularity." Fed. R. Civ. P. 34(b).

1 REASON WHY FURTHER RESPONSE SHOULD NOT BE COMPELLED:

2 The request is ambiguous, overbroad, and not reasonably calculated to lead to the
3 discovery of admissible evidence.

4 To the extent this request seeks transcripts of depositions taken in this case, there are no
5 responsive documents. Any deposition transcripts that they relate to investigations other than those
6 which involved the plaintiff are not relevant to the question of whether Wells Fargo handled this
7 dispute appropriately, or whether its actions concerning plaintiff were "willful." Plaintiff has not
8 satisfied his obligation to affirmatively show that the requested documents are relevant, *Vardon*
9 *Golf Co., Inc. v. BBMG Golf, Ltd.*, 156 F.R.D. 641, 651 (N.D. Ill. 1994), and that the request is not
10 unreasonably cumulative or duplicative. Civ. L.R. 37-2; Fed. R. Civ. P. 26(b)(2)(C).
11 Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that he is entitled to
12 the requested discovery. Civ. L.R. 37-2; emphasis added.

13 Wells Fargo did not waive its objections by not explaining them in its responses, and it
14 should not be required to provide a privilege log until the Court rules on the permissible scope of
15 discovery. *U.S. v. Philip Morris Inc.*, 347 F.3d 951, 954 (D.C. Cir. 2003).

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 5:

ADMIT that you intended your actions in 2006 and 2007 when you reported to Trans Union that Plaintiff was personally liable to you on an account.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous as to the term "you intended your actions."

REASON WHY FURTHER RESPONSE TO REQUEST SHOULD NOT BE COMPELLED:

The request is vague and ambiguous. Indeed, it is non-sensical, in that Wells Fargo did not report to Trans Union in 2006 or 2007 that Plaintiff was personally liable on an account. If the request is intended to refer to Wells Fargo's response to Trans Union's CDV's in June and December of 2007, Wells Fargo responded that the customer disputed the account (in June and December) and it instructed Trans Union to delete the account in December, which is what Wells Fargo intended to do. If the request is intended to refer to Wells Fargo's lifting of the internal credit reporting block in 2006, that action was unintended, as was any reappearance of this information on Plaintiff's credit report. In this context of this request, asking whether Wells Fargo "intended its actions" is inherently ambiguous.

The request should not be deemed admitted because this is not a permissible remedy for a deficient response, and because Wells Fargo has responded to this request to the best of its ability based upon the unclear nature of the request and based upon the information known to Wells Fargo.

REQUEST FOR ADMISSION NO. 6:

ADMIT that you did not intend your actions in 2006 and 2007 when you reported to Trans Union that Plaintiff was personally liable to you on an account.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous as to the term "you did not intend your actions."

REASON WHY FURTHER RESPONSE TO REQUEST SHOULD NOT BE COMPELLED:

The request is vague and ambiguous. Indeed, it is non-sensical, in that Wells Fargo did not report to Trans Union in 2006 or 2007 that plaintiff was personally liable on an account. If the request is intended to refer to Wells Fargo's response to Trans Union's CDV's in June and December of 2007, Wells Fargo responded that the customer disputed the account (in June and December) and it instructed Trans Union to delete the account in December, which is what Wells Fargo intended to do. If the request is intended to refer to Wells Fargo's lifting of the internal credit reporting block in 2006, that action was unintended, as was any reappearance of this information on plaintiff's credit report. In this context of this request, asking whether Wells Fargo "intended its actions" is inherently ambiguous.

The request should not be deemed admitted because this is not a permissible remedy for a deficient response, and because Wells Fargo has responded to this request to the best of its ability based upon the unclear nature of the request and based upon the information known to Wells Fargo.

REQUEST FOR ADMISSION NO. 7:

ADMIT that the investigation you performed in 2007 regarding Plaintiff was accomplished as you intended.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous as to the term "as you intended."

REASON WHY FURTHER RESPONSE TO REQUEST SHOULD NOT BE COMPELLED:

Therequestisvagueandambiguous.Itdoesnotspecifytheinvestigationtowhichit refers,andthereweretwo,inJuneandDecemberof 2007.WellsFargocompletedthose investigationsbasedupontheinformationprovided toitbyTransUnion.WellsFargodoesnot contendthataclericalerroroccurredduringeitherinvestigation,thatis,itdoesnotcontendthat it inadvertentlyreportedsomethingtoTransUnionwhichit“didnotintend”toreportatthattime. However,thisdoesnotnecessarilymeanthatoneor bothinvestigationswouldnothavebeen accomplisheddifferentlyifcircumstanceshadbeendifferent,orifWellsFargohadbeenprovided withdifferentoradditionalinformationfromTrans Unionwhentheinvestigationswere commenced.Inthiscontextofthisrequest,asking whetherWellsFargo“intendeditsactions”is inherentlyambiguous.

Therequestshouldnotbedeemedadmittedbecause thisisnotapermissible remedyfora deficientresponse,andbecauseWellsFargohasrespondedtothisrequesttothebestofitsability basedupontheunclearnatureoftherequestandbasedupontheinformationknown toWells Fargo.Furthermore,plaintiffhasfailedto *detailthebasis* forplaintiff’scontentionthatheis entitledtotherequestediscovery.Civ.L.R.37- 2;emphasisadded.

REQUEST FOR ADMISSION NO. 8:

ADMITthattheinvestigationyouperformedin2007 regardingPlaintiffwasnot accomplishedasyouintended.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

WellsFargoobjectsonthegroundsthatthisrequestisvagueandambiguous.Wells Fargo furtherobjectstothisrequestasoverbroad, vagueandambiguousastotheterm“asyou intended.”

REASON WHY FURTHER RESPONSE TO REQUEST SHOULD NOT BE COMPELLED:

Therequestisvagueandambiguous.Itdoesnotspecifytheinvestigationtowhichit refers,andthereweretwo,inJuneandDecemberof 2007.WellsFargocompletedthose investigationsbasedupontheinformationprovided toitbyTransUnion.WellsFargodoesnot contendthataclericalerroroccurredduringeitherinvestigation,thatis,itdoesnotcontendthat it

1 inadvertently reported something to Trans Union which it "did not intend" to report at that time.
 2 However, this does not necessarily mean that one or both investigations would not have been
 3 accomplished differently if circumstances had been different, or if Wells Fargo had been provided
 4 with different or additional information from Trans Union when the investigations were
 5 commenced. In this context of this request, asking whether Wells Fargo "intended its actions" is
 6 inherently ambiguous.

7 The request should not be deemed admitted because this is not a permissible remedy for a
 8 deficient response, and because Wells Fargo has responded to this request to the best of its ability
 9 based upon the unclear nature of the request and based upon the information known to Wells
 10 Fargo. Furthermore, plaintiff has failed to *detail the basis* for plaintiff's contention that he is
 11 entitled to the requested discovery. Civ. L.R. 37-2; emphasis added.

12 REQUEST FOR ADMISSION NO. 13:

13 ADMIT that your Net Worth is in excess of \$1 Billion.

14 RESPONSE TO REQUEST FOR ADMISSION NO. 13:

15 Wells Fargo objects to this request on the grounds that it seeks confidential documents.
 16 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
 17 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
 18 objects to this request as overbroad, vague and ambiguous.

19 WELLS FARGO DOES NOT DISPUTE REQUEST FOR ADMISSION NO. 13:

20 Wells Fargo has agreed to supplement its response to this request, but has not yet gathered
 21 sufficient information to be able to admit or deny this request.

22 REQUEST FOR ADMISSION NO. 14:

23 ADMIT that your Net Worth is in excess of \$500 Million.

24 RESPONSE TO REQUEST FOR ADMISSION NO. 14:

25 Wells Fargo objects to this request on the grounds that it seeks confidential documents.
 26 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
 27 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
 28 objects to this request as overbroad, vague and ambiguous.

WELLSFARGODOESNOTDISPUTEREQUESTFORADMISSION NO.14:

Wells Fargo has agreed to supplement its response to this request, but has not yet gathered sufficient information to be able to admit or deny this request.

REQUEST FOR ADMISSION NO. 15:

ADMIT that your Net Worth is in excess of \$200 Million.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Wells Fargo objects to this request on the grounds that it seeks confidential documents. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous.

WELLSFARGODOESNOTDISPUTEREQUESTFORADMISSION NO.15

Wells Fargo has agreed to supplement its response to this request, but has not yet gathered sufficient information to be able to admit or deny this request.

DATED: June 24, 2008

SEVERSON & WERSON
A Professional Corporation

By: /s/ Peter H. Bales
Peter H. Bales

Attorneys for Defendant
WELLS FARGO FINANCIAL ACCEPTANCE
MISSOURI, INC.